

02 CV 4668

JUDGE MUKASEY

U.S. DISTRICT COURT
N. D. OF N. Y.
FILED

JUN 26 2002

AT _____ O'CLOCK _____ M
LAWRENCE K. BAERMAN, Clerk
UTICA

RODRIGUEZ, M., #01-R-1447

NYSIS #: _____
(optional)

9: 02-CV-0837

[Enter above the full name of
the plaintiff(s) in this action.]

v.

OFFICER W. ARGUIRRE OF (NYSDOCS)

DOCTOR, BAZAZ BANSI, M.D., (NYSDOCS)

JUN 18 2002

JUDGE HURD

MAGISTRATE JUDGE TREECE

[Enter above the full name of all
of the defendant(s). Make sure those
listed above are identical to those
contained in Item III.]

I. Previous lawsuits:

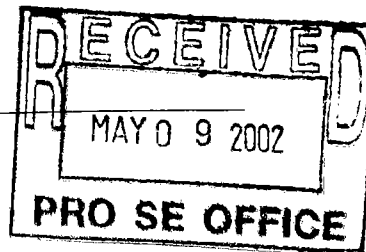
- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes [] No [☒]

- B. If your answer to A is yes, describe each lawsuit in questions 1 through 7 on the next page. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: _____



Defendant: _____

2. Court [if federal court, name the district; if state court, name the county]: _____

3. Docket number: _____

4. Name of Judge to whom case was assigned: _____

5. Disposition [for example: Was the case dismissed? Was it appealed? Is it still pending?] _____

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

II. Place of present confinement: _____

- A. Is there a prisoner grievance procedure in this institution?

Yes [X] No []

- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes [X] No []

- C. If your answer is YES:

1. What steps did you take? ON 2/19/02

I COMPLAINED AT THE RIVERVIEW CORRECTIONAL FACILITY

2. What was the result? IN THE MONTH OF 3/2002, notify
(NYSDOCS) CENTRAL OFFICE IN ALBANY, STILL PENDING.

SEE EXHIBIT(S) ATTACHED

III. Parties:

[In item A below, place your name and identification number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.]

A. Name of plaintiff: MIGUEL RODRIGUEZ, #01R1447

Address: P.O. BOX 247, Rt. 37, OGDENSBURG, N.Y. 13669

[In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.]

B. Defendant C/O W. AGRIRRE is employed as CORR. OFFICER

P.O. BOX 158, OGDENSBURG, N.Y. 13669 at RIVERVIEW, C.FAC.

C. Additional defendants: DR. BAZAZ BANSI, P.O. BOX 247,

Rt. 37, OGDENSBURG, NEW YORK 13669

[Make sure that the defendant(s) listed above are identical to those contained in the caption on page 1.]

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. [Use as much space as you need. Attach extra 8½ x 11 paper if necessary.]

DEFENDANT: CORRECTIONAL OFFICER (W. AGUIRRE), WAS MADE AWARE
BY PLAINTIFF THAT HE IS A DISABLE INMATE BECAUSE HE HAVE

IV-A . . IF YOU SUSTAINED INJURIES, DESCRIBE THEM AND STATE WHAT MEDICAL TREATMENT WAS REQUIRED AND RECEIVED.

ON THE DATE OF OCTOBER 5, 2001, AT APPROXIMATELY 3:30 a.m., PLAINTIFF SUFFERED A MILD STROKE AND WAS TAKEN TO THE RIVERVIEW CORRECTIONAL FACILITY INFIRMARY, WHERE AFTER WAITING FOR HOURS, PLAINTIFF WAS NOT TREATED AND SENT BACK TO DORMATORY WITHOUT PROPER CARE.

ON FEBRUARY 8, 2002, AT APPROXIMATELY 1:30 p.m., PLAINTIFF SUFFERED YET ANOTHER MILD STROKE WHILE IN DORMATORY (E-1), AND PLAINTIFF INFORMED CORRECTIONAL OFFICER (CAPONE), OFFICER CAPONE, THEN CALLED THE RIVERVIEW CORR. FAC. INFIRMARY WHERE DOCTOR (AGARVAL RAVINDER, M.D.), THEN MADE AN APPOINTMENT FOR PLAINTIFF TO SEE AN OUTSIDE DOCTOR FOR LATER THAT MONTH. MEANWHILE, THE DEFENDANT IN QUESTION (DR. BAZAZ BANSI, M.D.), DIAGNOSED PLAINTIFF AND STATED THAT HE FOUND NOTHING WRONG AND THAT PLAINTIFF NEEDED NO TREATMENT, WITHOUT GIVING A FORMAL EXAMINATION TO PLAINTIFF.

PLAINTIFF INFORMED DEFENDANT (DR. BAZAZ BANSI, M.D.), TWO MONTHS PRIOR THAT HE WAS SUFFERING WITH THE SAME SYMPTOMS OF MILD STROKES THAT HAD OCCURRED IN THE PAST, AND THE COMPLAINT WENT IGNORED BY DEFENDANT (DR. BANSI, M.D.).

CONTINUE FROM STATEMENT OF CLAIM(IV)

HAD 2 STROKES AT VARIOUS TIMES AND THAT HE (PLAINTIFF) IS RECEIVING MEDICATIONS FOR STROKES AND HEART TROUBLE, BUT THE DEFENDANT IGNORES PLAINTIFF CONDITION(S), BECAUSE PLAINTIFF HAVE CONTENTLY BEEN ASSIGNED HEARD JOBS BY THE DEFENDANT CORRECTIONAL OFFICER (W. ARGUIRRE). THEREFORE PLAINTIFF IS BEING DISCRIMINATED AGAINST IN VIOLATION OF THE AMERICAN WITH DISABILITY ACT (ADA) AND IS BEING CRUELLY TREATED BY DEFENDANT W. ARGUIRRE, BECAUSE THE DEFENDANT IS AWARE THAT PLAINTIFF IS AN AMERICAN WITH A DISABILITY.

THE DEFENDANT DOCTOR BAZAZ BANSI, M.D., IS AWARE THAT THE PLAINTIFF HAVE A DISABILITY AND REFUSE TO HAVE PLAINTIFF ASSIGN LIGHT DUTYS AFTER PLAINTIFF HAD REQUESTED LIGHT JOB ASSIGNMENTS. ON 4/4/00, WHEN PLAINTIFF WAS RECEIVED INTO THE RIVERVIEW CORRECTIONAL FACILITY, ALONG WITH PLAINTIFF CAME HIS MEDICAL RECORDS, THAT SHOWS THAT PLAINTIFF HAVE HAD 2 STROKES AND HAVE A HEART CONDITION. WHEN PLAINTIFF REQUESTED THAT DEFENDANT (DR. BANSI, M.D.), HAVE HIM PLACE ON LIGHT JOB ASSIGNMENTS BECAUSE OF HIS MEDICAL CONDITION(S), THE DOCTOR (DEFENDANT BAZAZ BANSI, M.D.), REFUSE TO HAVE PLAINTIFF PLACE ON LIGHT JOB ASSIGNMENTS, WHICH IS CRUEL PUNISHMENT INFLICTED UPON THE DISABLE PLAINTIFF BY DEFENDANT (DR. BANSI, M.D.), THIS VIOLATES THE PLAINTIFF CONSTITUTIONAL RIGHTS UNDER THE 14th AMEND. AND DEFENDANT ALSO IS DISCRIMINATING AGAINST AN AMERICAN WITH A DISABILITY (SEE ADA).

THE ABOVE STATED ACTIONS BEING TAKEN AGAINST PLAINTIFF VIOLATE PLAINTIFF CONSTITUTIONAL RIGHT UNDER THE 14th AMENDS. AND THE ABOVE NAMED DEFENDANTS ARE DISCRIMINATING IN VIOLATION OF THE AMERICAN WITH DISABILITY ACT (ADA), ALONG WITH OTHER WITHIN THE NEW YORK STATE DEPARTMENT OF CORRECTIONS THAT ARE ACTING IN CONCERT WITH THE ABOVE NAMED DEFENDANTS.

PLEASE TAKE NOTICE, THAT THE DEFENDANTS AND THOSE ACTING IN CONCERT WITH DEFENDANTS (ARGUIRRE) AND (DR. BAZAZ BANSI),****ARE VIOLATING AND DISCRIMINATING AGAINST PLAINTIFF UNDER THE COLOR OF THE STATE OF NEW YORK LAWS.

V. RELIEF:

STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.

MAKE NO LEGAL ARGUMENTS. CITE NO CASE OR STATUTES.

PLAINTIFF RESPECTFULLY REQUEST THAT THE COURT ORDER THE PLAINTIFF TO BE TREATED PROPERLY FOR HIS SICKNESSES HEART CONDITION AND STROKE CONDITION, BY GIVING PLAINTIFF THE PROPER TREATMENTS AS REQUIRED UNDER MEDICAL STANDARDS, NOT TO BE FORCED TO PROFORM UNREASONABLE JOB ASSIGNMENTS BECAUSE OF PLAINTIFF MEDICAL CONDITIONS, PLAINTIFF ASK TO BE TRANSFERRED TO ANOTHER CORRECTIONAL FACILITY BECAUSE PLAINTIFF FEAR FOR HIS WELL BEING AFTER FILING THIS COMPLAINT AGAINST THE DEFENDANTS, PLAINTIFF ALSO RESPECTFULLY REQUEST THE SUM OF \$175,000. FOR PAIN AND SUFFERING, MENTAL SUFFERING IN FEAR OF HIS WELL BEING AFTER BEING DISCRIMINATED AGAINST BY DEFENDANTS AND THOSE THAT ACTED IN CONCERT WITH DEFENDANTS, ALL ARE UNDER COLOR OF STATE LAW IN VIOLATING PLAINTIFF CIVIL AND CONSTITUTIONAL RIGHTS.

SIGNED THIS 13th DAY OF April, 2002.

Vaughn J Montroy

DEFENDANT NUMBER ONE: CORRECTIONAL OFFICER, W. ARGUIRRE

VAUGHN J MONTROY SR
Notary Public - State of New York
NO. 01MC4945015

P.O. BOX 158, Rt. 37
OGDENSBURG, NEW YORK 13669-0247

DEFENDANT NUMBER TWO: DOCTOR, BAZAZ BANSI, M.D.

P.O. BOX 158, Rt. 37

OGDENSBURG, NEW YORK 13669-0247

SIGNATURE AND ADDRESS OF EACH PLAINTIFF. [INCLUDE STATE OR FEDERAL IDENTIFICATION NUMBER AND NYSIS NUMBER [OPTIONAL].)

YOU MUST NOTIFY THE COURT AND DEFENDANTS OF ANY CHANGE IN YOUR ADDRESS.)

RESPECTFULLY SUBMITTED,

PLAINTIFF: *Miguel Rodriguez*, # 01R1447

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MIGUEL RODRIGUEZ,

PLAINTIFF,

COMPLAINT PURSUANT TO
42 U.S.C. 1983

v.

CORRECTIONAL OFFICER, W. AGUIRRE &
DOCTOR BAZAZ BANSI, M.D.

DEFENDANTS.

REQUEST DETERMINATION BY
JUDGE.

CASE NUMBER: _____

-----X
THE PLAINTIFF, MEGUEL RODRIGUEZ, DIN # 01-R-1447, APPEARS ON HIS OWN
RIGHTS EXPOSES, ALLEGES, AND REQUEST:

[A] THE PLAINTIFF, MIGUEL RODRIGUEZ, DIN # 10-R-1447, ALLEGES THAT ON THE
DATE OF 4/4/01, WAS TRANSFERRED TO THE RIIVERVIEW CORRECTIONAL FACILITY TO
SERVE AN INDETERMINATE SENTENCE OF 2 TO 4 YEARS - ISSUED BY: THE HON. JUDGE
WILLIAM WETZEL, NEW YORK STATE SUPREME COURT, 111 CENTRE STREET, NEW YORK,
NEW YORK 10013.

[B] THE PLAINTIFF, IN QUESTION ALLEGES THAT UPON ENTRY INTO THE RIVERVIEW
CORRECTIONAL FACILITY, THE ADMINISTRATION WAS AWARE BY MEDICAL RECORDS OF
PLAINTIFF PHYSICAL STATE, THE RECORDS STATES THAT IN THE PAST PLAINTIFF HAS
SUFFERED FROM (2) STROKES AND DIABETES. THE FIRST STROKE WAS SUFFERED ON
THE DATE OF 5/29/89, AT THE WOODBOURNE CORRECTIONAL FACILITY. THE SECOND
STROKE PLAINTIFF SUFFERED ON 9/15/95, AND THE RIVERVIEW CORR. FAC. IS DENY-
ING PLAINTIFF PROPER MEDICAL TREATMENT AND MEDICATION THAT IS SUITABLE FOR
THE PREVENTION OF FURTHER STROKES. PLAINTIFF HAVE BEEN ALSO IDENTIFIED WITH
A HEART PROBLEM, WHICH LEAVES PLAINTIFF INCAPABLE OF ANY STRAINING OR WORK-
ING. HOWEVER, PLAINTIFF IS FORCE TO PROFORM HARD WORK IN THIS FACILITY. THE
PLAINTIFF HAVE BEEN SENT TO ALBANY MEDICAL FOR A CHECK UP, AND AS A RESULT;
I WAS INFORMED OF MY MEDICAL DEFICIENCES. THE RIVERVIEW CORR. FAC. WAS ALSO
INFORMED BY MY DOCTOR THAT PLAINTIFF WAS INCAPABLE OF WORKING. PRIOR TO MY

INCARCERATION, I WAS RECEIVING BENEFITS FROM (S.S.I.), DUE TO MY DISABILITY. ALL OF THIS INFORMATION CAN BE LOCATED IN PLAINTIFF MEDICAL RECORDS INSIDE AND OUTSIDE THE INSTITUTION. HOWEVER, THE DEPARTMENT OF CORRECTIONS ACTING IN CONCERT WITH THE DEFENDANTS, HAS IGNORED MY CURRENT STATE. PLAINTIFF IS BEING FORCED TO DO HARD WORK. PLAINTIFF HAVE TRIED TO EXPLAIN HIS SITUATION TO STAFF * * * ABOUT HIS MEDICAL CONDITIONS AND PLAINTIFF ABILITY TO WORK, AND AS A RESULT, PLAINTIFF HAVE BEEN ISSUED A MISBEHAVIOR REPORT BY DEFENDANT C/O: W. AGUIRRE FOR REFUSING TO PERFORM WORK ASSIGNMENT. PLAINTIFF FEEL THAT THIS IS AN ACT OF CRUEL AND UNUSUAL PUNISHMENT BY DEFENDANT(S) AND ALSO BY MEDICAL DEFENDANT AND MEDICAL STAFF AT THIS FACILITY FOR IGNORING PLAINTIFF MEDICAL CONDITION(S). THE DEFENDANTS AND THOSE ACTING IN CONCERT ARE REFUSING TO CONFER WITH THE MEDICAL STAFFING AT THIS FACILITY FOR ANY VERIFICATION OR ENLIGHTENMENT INTO THE PROBLEMS OF THE PLAINTIFF.

[C] PLAINTIFF WAS ISSUED A MISBEHAVIOR REPORT WHICH CONSISTED OF FOUR (4) INFRACTIONS. IN SHORT, PLAINTIFF WAS FOUND GUILTY OF VERBAL HARASSMENT AND FOR REFUSING TO PRODUCE HIS IDENTIFICATION TO CORRECTIONAL OFFICER.

[D] THE WRONGFUL MISBEHAVIOR REPORT HAS CAUSED PLAINTIFF TO BE STRIPPED OF HIS PRIVILEGES AND ELIGIBILITY TO BE PLACED IN WORK RELEASE PROGRAM.

[E] SINCE PLAINTIFF HAVE BEEN INCARCERATED, HIS WIFE HAS BEEN EXTREMELY ILL. SHE HAS LOST HER MIND ON JANUARY 8, 2001, IN BUFFALO, NEW YORK. AS OF THIS DATE, SHE HAS NOT RECOVERED. DUE TO MY INCARCERATION, I AM UNABLE TO ACQUIRE ANY CLEAR DETAILS ON HER PRESENT CONDITION. ALL OF THE ABOVE UNDER THE TREATMENT I AM RECEIVING FROM THIS FACILITY IS CAUSING PLAINTIFF ADDITIONAL MENTAL HARDSHIP.

[F] PLAINTIFF RESPECTFULLY REQUEST TO KNOW IF ANYONE COULD IMAGINE THE KIND OF MENTAL CONDITION HE IS UNDER AT THIS TIME. I HAVE BEEN MARRIED TO MY WIFE FOR OVER (27) YEARS.

[G] PLAINTIFF RESPECTFULLY REQUEST AN ORDER OF PROTECTION BE PLACED UPON THE DEFENDANT CORRECTIONAL OFFICER (W. AGUIRRE), HE THREATENED TO BREAK MY

RIBS AND LOCK ME IN (S.H.U), EVERYTIME DEFENDANT AGUIRRE, IS IN MY PRESENCE, HE CONSTANTLY HARASSESS ME AND ORDERS ME (PLAINTIFF) TO PROFORM HARD WORK ASSIGNMENTS. DEFENDANT AGUIRRE, CONTENTLY FOLLOWS PLAINTIFF AROUND IN AN UNPROFESSIONAL MANNER BOTHERING PLAINTIFF. I STRONGLY BELIEVE THAT THE DEFENDANT AGUIRRE, IS ABUSING HIS AUTHORITY AS A "CORRECTIONAL OFFICER" FOR HIS OWN PERSONAL GRATIFICATION(S). PLAINTIFF IS PRESENTLY (69) YEARS OF AGE AND TO PLAINTIFF KNOWLEDGE "ANYONE OVER THE AGE OF (65) YEARS OF AGE WHO IS DISABLED DO NOT HAVE TO WORK, IF THEY CANNOT WITHIN THE (NYSDOCS)."

FOR THE SAME REASONS SET FORTH AND THE ABUSE THAT PLAINTIFF MUST ENDURE WITHIN THIS PRISON AND IN MY WORK ASSIGNMENTS, PLAINTIFF STILL IS SUBJECTED TO A MANDATORY WORK ASSIGNMENT TWICE A DAY WHICH CONSISTS OF HARD WORK SUCH AS CLEANING BATHROOMS, LIFTING GARBUGE, MOPPING DORM AREAS, ETC., ALL OF WHICH IS STRENIIOUS FOR PLAINTIFF AT PLAINTIFF AGE AND DISABLED CONDITIONS.

THE DEFENDANT CORRECTIONAL OFFFICER (W. AGUIRRE), HAVE PLAINTIFF AT A POINT OF A NERVOUS BREAKDOWN, AND HAS HAD PLAINTIFF NERVES IN AN UPROAD SINCE 12/2/01. PLAINTIFF IS SADDENED TO SAY, THAT I AM CLEARLY WITHOUT A STABLE BALANCE WHEN STANDING. SOMETIMES PLAINTIFF CAN FEEL NUMNESS ON ONE SIDE OF HIS BODY AND THE STAFF AT THIS FACILITY SEEMS TO IGNOR IT WHEN THE PLAINTIFF COMPLAINS OF THE NUMNESS.

PLEASE TAKE NOTICE, THAT PLAINTIFF HAVE BEEN FOUND DISABLED BY (2) DOCTORS (SLECIALISTS) FROM ALBANY MEDICAL CENTER SINCE THE YEAR OF 1989, AS WELL AS (3) DIFFERENT DOCTORS FROM (S.S.I.) AND PLAINTIFF HAVE RECEIVED DISABILITY ASSISTANCE IN THE AMOUNT OF \$450.00 A MONTH. PLAINTIFF CANNOT UNDERSTAND HOW THE DEFENDANT (DR. BAZAZ BANSI, M.D.), COULD DEEM PLAINTIFF ABLE TO WORK WHEN THE RECORDS SHOWS THAT PLAINTIFF IS A DISABLED INMATE BY (5), DOCTORS. PLAINTIFF ASK THIS HONORABLE COURT, HOW IS IT POSSIBLE THAT A DOCTOR/P.A./ OR NURSE CAN SAY THAT PLAINTIFF IN QUESTION IS ABLE TO PROFORM

PHYSICAL LABOR?? PLAINTIFF CANNOT UNDERSTAND WHY PLAINTIFF IS BEING SUBJECT TO THIS TYPE OF ABUSE IN VIOLATION OF THE CONSTITUTION AND CIVIL RIGHT UNDER THE AMERICAN WITH DISABILITY ACT (ADA). BOTH THE DEFENDANTS C/O, W.AGUIRRE, AND DR. B.BANSI, M.D., ARE FORCING PLAINTIFF TO PROFORM HARD WORK DUTIES, BEYOUN PLAINTIFF PHYSICAL ABILITY.

PLAINTIFF ADMITS THAT HE HAVE ALWAYS BEEN A HUMBLE PERSON AN INMATE WHO HAS ABIDED AND FOLLOWED ALL RULES AND REGULATIONS, AND HAVE TREATED EVERYONE WITH THE MOST RESPECT THAT THEY DESERVED; BOTH, MY FELLOW PEERS AND STAFF, WHICH IS WHY I DO NOT SEE THE REASON, NOR THE IDEALOGY BEHIND THE ABUSE THAT PLAINTIFF IS NOW SUFFERING FROM THE DEFENDANTS AND THOSE THAT ARE ACTING IN CONCERT WITH THE DEFENDANTS.

IN PLAINTIFF EYES DEFENDANT (W. AGUIRRE), IS NOT CAPABLE OF WORKING WITH OR BEING AROUND INMATES.

PLEASE TAKE NOTICE, PLAINTIFF ADMITS THAT HE ONLY HAVE (7) MONTHS TO BE SERVED BEFORE PLAINTIFF SEE THE PAROLE BOARD FOR POSSIBLE RELEASE, AND NEED-LESS TO SAY, THE MENTIONED MISBEHAVIOR REPORT WOULD BE OF NO BENEFIT TO PLAINTIFF TO PLAINTIFF RELEASE.

THE DEFENDANT DOCTOR (BAZAZ BANSI, M.D.), HAVE ASSASSINATED MY CHARACTER BY REFUSING TO CONFER WITH MY MEDICAL RECORDS. INSTEAD, DR. BANSI, INSISTS UPON RELAYING WRONG INFORMATION THAT KEEPS ME ASSIGNED TO STRENIUS WORK DETAILS WHILE KNOWINGLY AND WANTINGLY CAUSING FURTHER INJURIES TO PLAINTIFF MEDICAL CONDITIONS, AND THAT THE JOB PERFORMANCES ARE HAZARDOUS TO THE DETORINATION OF PLAINTIFF HEALTY. THIS CRUEL ACT BY DOCTOR BAZAZ BANSI, M.D., IS VOLUNTARY AND MELICIOUSLY,WRONGFULLY, AND INTENTIONLY BEING DONE IS BEYOUN THE MEDICAL STANDARDS OF MEDICAL PRACTICE IN THE MEDICAL COMMUNITY, FOR THE ABOVE STATED PLAINTIFF RESPECTFULLY REQUEST THAT BOTH DEFENDANT AND THOSE ACTING IN CONCERT WITH DEFENDANTS COMPENSE PLAINTIFF WITH THE SUM OF \$175,000, THE WILLFUL ACT OF VIOLATING PLAINTIFF CONSTITUTIONAL AND CIVIL RIGHTS UNDER THE AMERICAN WITH DISABILITY ACT (ADA).

ALL OF THE UNDERSIGNED IS TRUE AND TO THE BEST OF PLAINTIFF KNOWLEDGE. ON THE 5th DAY OF OCTOBER, 2001, AT APPROXIMATELY 3:30 A.M., PLAINTIFF SUFFERED A MILD STROKE AND WAS TAKEN TO THE RIVERVIEW CORRECTIONAL FACILITY INFIRMARY WHERE AFTER WAITING HOURS, PLAINTIFF WAS SENT BACK TO HIS DORMATORY WITHOUT BEING TREATED BY DOCTOR. AND ALSO ON THE 8th DAY OF FEBRUARY, 2002, AT APPROXIMATELY 1:30 P.M., PLAINTIFF SUFFERED YET ANOTHER MILD STROKE WHILE IN THE DORMATORY AND INFORMED CORRECTIONAL OFFICER CAPONE (DROM E-1), OF PLAINTIFF CONDITION AND OF HOW PLAINTIFF WAS FELLING; WHO THEN NOTIFIED THE INFIRMARY WHERE DOCTOR AGARVAL RAVINDER, M.D., THEN MADE AN APPOINTMENT FOR ME WITH THE OUTSIDE HOSPITAL FOR LATER THAT MONTH. MEANWHILE, THE DOCTOR IN QUESTION (DOCTOR DEFENDANT, BAZAZ BANSI, M.D.), DIAGNOSED ME AND DID NOT FIND ME TO BE IN ANY NEED OF TREATMENT WITHOUT EVEN SUBJECTING ME TO A PROPER EXAMINATION. PLAINTIFF INFORMED DR. BANSI, M.D., (2) MONTHS PRIOR THAT I WAS SUFFERING WITH THE VERY SAME SYMPTOMS AND MILD STROKE, AND YET, I AM BEING FORCED TO WORK AND PROFORM THESE TASKS CONSTITUTING AS CRUEL AND UNUSUAL PUNISHMENT; ESPECIALLY WHEN PLAINTIFF IS AN ELDERLY PATIENT AND INMATE OF (69) YEARS OF AGE.

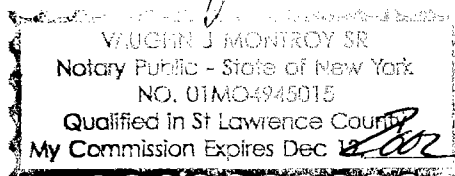
PLAINTIFF RESPECTFULLY REQUEST THAT THIS HONORABLE COURT DO NOT LET THE ABOVE NAMED DEFENDANTS AND THOSE THAT ARE ACTING IN CONCERT WITH THE DEFENDANTS TO ESCAPE THE WRONGFUL ACT INFLICTED UPON THE PLAINTIFF .

RESPECTFULLY SUBMITTED,

Vaughn J. Montroy Sr.
PLAINTIFF

SWORN TO BEFORE ME THIS
13th DAY OF April, 2002.

Vaughn J. Montroy
NOTARY PUBLIC



ADDENDUM

PLEASE TAKE NOTICE, THAT AFTER PLAINTIFF HAVE ADVISED THE FACILITY THAT HE PLAN TO COMPLAIN IN FEDERAL COURT PURSUANT TO 42 U.S.C. 1983, THE PLAINTIFF HAVE REASONS TO BELIEVE THAT THE INFIRMARY ADMINISTRATOR IS ATTEMPTING TO FORGE INFORMATION IN PLAINTIFF MEDICAL RECORDS. PLAINTIFF BELIEVE THIS BECAUSE AFTER PLAINTIFF FILED THE ABOVE NAMED GRIEVANCE ON OR ABOUT 2/19/02, PLAINTIFF RECEIVED A DECISION RENDERED BY SUPERINTENDENT MR. EKPE D. EKPE, "DATED 3/7/02," (PLAINTIFF SIGNED FOR THAT DECISION ON 3/10/02). THE ABOVE NAMED DECISION STATES IN PART: "AN ANNOTATION WAS MADE ON "4/4/02" THAT HE NOW ACCEPTS THE RESPONSIBILITY FOR TAKING HIS MEDICATION, FOLLOWING PROPER DIET AND FEELS BETTER." (UNTRUE) (SEE EXHIBIT DATED 3/7/02, ATTACHED). PLAINTIFF RESPECTFULLY REQUEST THAT THIS HONORABLE COURT CONSIDERS THE EXHIBITS UNTRUE AND THE ALTERING OF RECORD BY ADMINISTRATOR, BECAUSE THE DECISION SHOWS THAT IT WAS RENDERED ON (3/7/02), AND THE EXHIBIT SHOWS THEREIN THAT THE PLAINTIFF "ACCEPTS RESPONSIBILITY" ON (4/4/02), A DATE THAT HAD NOT YET PAST. PLAINTIFF RESPECTFULLY ASK HOW IS IT POSSIBLE FOR PLAINTIFF TO HAVE EXCEPTED ANY RESPONSIBILITY BEFORE A DATE THAT HAD NOT YET EXIST??

"NOTICE: SEE BOTH SIDES OF EXHIBIT"

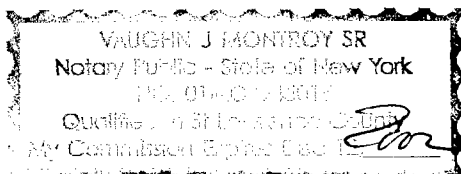
RESPECTFULLY SUBMITTED,


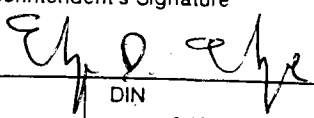
Miguel Rodriguez
PLAINTIFF

SWORN TO BEFORE ME THIS

13th DAY OF *April*, 2002

Vaughn J. Montroy



 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</p> <p>INMATE GRIEVANCE PROGRAM</p> <p>SUPERINTENDENT</p>	Grievance No. RV-6087-02	Date Filed 2-19-02
	Facility Riverview CF	Policy Designation Institutional
	Title of Grievance Medical Attention	Class Code 22
	Superintendent's Signature 	Date 3-7-02
Grievant Rodriguez, M.	DIN 01R1447	Housing Unit E-1-29B

The nurse administrator states he has met with the grievant previously to discuss his medical condition and the importance of medication and diet. The grievant has been non compliant - not taking his medication and also not eating properly. Medical staff continue to monitor the grievant's condition. Since this grievance was recorded, records show the grievant was scheduled to see a physician on 3-6-02. He refused to see the physician and had been non compliant about taking his medication. An annotation was made on 4-4-02 that he now accepts the responsibility for taking his medication, following proper diet and feels better. Medical records show the grievant is receiving appropriate medical attention and treatment for his conditions.

*I NOT Refused my medication, I use
TWO TIMES A DAY. Mr. Hunter is wrong
no correct. Say SPICK WITH ME 4-4-02
this month is march no APRIL.
is wrong:
never I Refused my medication,
I no signature Paper to Mr. Hunter
100% WRONG.*

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have four (4) working days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C.

*Grievant is not being given my medication to
prevent his strokes. He is only being given medication
for his stroke condition. Grievant refused to see*

Miguel Rodriguez
Grievant's Signature

*I never on my life Refused my
medication.*

3/10/2002
Date

Grievance Clerk's Signature

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STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES

THE HARRIMAN STATE CAMPUS
1220 WASHINGTON AVENUE
ALBANY, N.Y. 12226-2050

GLENN S. GOORD
Commissioner

LESTER N. WRIGHT, M.D. MPH
DEPUTY COMMISSIONER/
CHIEF MEDICAL OFFICER

January 28, 2002

Mr. Miguel Rodriguez
01R1447
Riverview Correctional Facility
P.O. Box 158
Ogdensburg, NY 13669

Dear Mr. Rodriguez:

This is in response to your recent letter.

The Division of Health Services has investigated your concerns with the health staff at the Riverview Correctional Facility. In reviewing your record, you have been re-assigned as requested.

It is suggested that you continue to bring your concerns to the attention of the health care staff using existing procedures. I am sure they will make every effort to address your needs.

Sincerely,

Lester N. Wright, Jr.
Lester N. Wright, M.D., MPH
Deputy Commissioner/Chief Medical Officer

LNW/mpo/clw

cc: Superintendent, Riverview C.F.
Facility Health Services Director, Riverview C.F.

FORM 2131 (REVERSE)

Response of IGRC:

IGRC RECOMMENDS GRIEVANT
MEET W/ MR HUNTER ABOUT
MEDICATION.

Date Returned to Inmate _____

IGRC Members

Chairperson

X. M. Hunter 2-27-02

W. J. Smith
W. J. Smith, C.O.

D. J. Small
J. C. [unclear]

Return Within 4 days and check appropriate boxes.

- ☐ I disagree with IGRC response.
☒ I agree with the IGRC response.
☐ I have reviewed the deadlocked responses.
☒ I wish to appeal to the Superintendent.

I get up
meeting

Signed

X. Miguel Rodriguez
Grievant

2/27/02
Date

X. M. Hunter IGP
Grievance Clerk's Receipt

2-27-02
Date

To be completed by Grievance Clerk.

Grievance Appealed to the Superintendent _____

Date

Grievance forwarded to the Superintendent for action _____

2-27-02
Date

CODE 22- MEDICAL ATTENTION

REQUEST FOR INTERVIEW OR INFORMATION

6087

From Miguel Rodriguez Din# 01-R-1841 Date 2/8/02Dorm E1 Bed# 29B Program ASOT/PosterTo: Ms. Monnet, IGRCSUBJECT: (State exactly what you want.
Interview without stating your question.)

Do not ask for

FEB 12 2002

INMATE PRESENCE

For two months, my left side
of the body feels numb. Dr.
Bazaz Bansi tells me that I
have nothing wrong with me.
I've suffered two strokes in
the past - once at ~~this~~
Woodburn Correctional and once
on the streets. I've also
come close to a stroke here
at Riverview. I am
notifying this institution about
my condition and am asking
that something be done respect
to my medical needs.
give me copy for this
guidance.

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

INMATE GRIEVANCE COMPLAINT

Grievance No.

RV-6087-02

(222)

RIVERVIEW

CORRECTIONAL FACILITY

Date 2/19/02

Name RODRIGUEZ, M

Dept. No. E-1-29BHousing Unit E-1-29B

Program

AM

PM

(Please Print or Type- This form must be filed within 14 days of Grievance Incident)

Description of Problem. (Please make as brief as possible)

SEE ATTACHED

Grievant

Signature

Grievance Clerk CARDONA, L #99R2559

Date 2/19/02

Advisor Requested ☐ YES ☐ NO Who:

Action requested by inmate.

This Grievance has been informally resolved as follows:

This Informal Resolution is accepted

(To be completed only if resolved prior to hearing)

Grievant

Signature

Date

If Unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC)

RIVERVIEW CORRECTIONAL FACILITY

MEMORANDUM

TO: Miguel Rodriguez, 01R1447, E-1-29B

FROM: R. Fiacco, Deputy Superintendent Administrative Services

DATE: 3/20/02

SUBJECT: **Letter sent to Superintendent Ekpe**

On behalf of Superintendent Ekpe, I am responding to your letter concerning your grievance and medications. In the letter you stated that the Superintendent did not receive accurate information about your situation, you did not refuse to take your medication, and that you did not refuse to see Dr. Bazaz.

I checked with Ms. Monnet, Inmate Grievance Rep., and she indicated that your grievance was investigated, Superintendent's response was completed and that you have asked that it be appealed to CORC for their review. Therefore, I will not address any issues relative to the grievance, at this time. CORC will do their review and issue a decision relative to the grievance.

pc: K Monnet, IGRC
File

AFFIDAVIT OF SERVICE

I, MIGUEL RODRIGUEZ, # 01-R-1447, BEING DULY SWORN DEPOSES AND SAY:
THAT I AM OVER THE AGE OF 18, AND RESIDE AT THE RIVERVIEW CORRECTIONAL FACILITY, POST
OFFICE BOX 247, Rt.37, OGDENSBURG, NEW YORK 13669, AND THAT ON THE DATE OF APRIL____, 2002.
I SERVED THE WITHIN (3) COMPLAINT PURSUANT TO 42 U.S.C. SECTION 1983(STATEMENT OF CLAIM),
(3) DECLARATION TO PROCEED IN FORMA PAUPERIS, (3) REQUEST TO PROCEED IN FORMA PAUPERIS,
AND (3) COMPLAINT PURSUANT TO 42 U.S.C. 1983(STATEMENT OF FACTS) ALONG WITH (6) EXHIBITS
ATTACHED TO EACH AFTER STATEMENT OF THE FACTS.

TO THE FOLLOWING ADDRESS(ES):

United States Dist. Court
Southern Dist. of New York
500 Pearl Street - U.S. Courthouse
New York, New York 10007

BY DEPOSITING A TRUE COPY OF THE WITHIN IN A POSTPAID PROPERLY ADDRESS WRAPPER IN AN
OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE AND CUSTODY OF THE UNITED STATES POSTAL
SERVICE WITHIN THE STATE OF NEW YORK

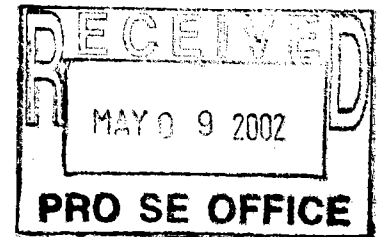
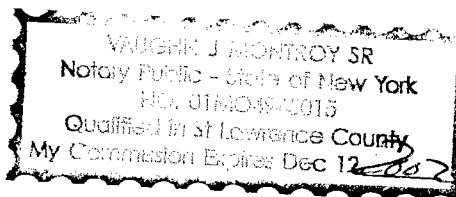
RESPECTFULLY SUBMITTED,

+ Miguel Rodriguez
PLAINTIFF (PRE SE)
RIVERVIEW CORR. FAC.
POST OFFICE BOX 247
OGDENSBURG, N.Y. 13669

SWORN TO BEFORE ME THIS

12th DAY OF April, 2002.

Vaughn J. Montroy
NOTARY PUBLIC



PRO SE OFFICE
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK
 OFFICE OF THE CLERK
 U. S. COURTHOUSE
 500 PEARL STREET
 NEW YORK, NY 10007

JAMES M. PARKISON
 CLERK

Date: 4/3/02

The enclosed papers are being returned to you for one or more of the following reasons checked below. Please read this list carefully to correct the mistakes in your papers. After you correct your papers, you may return them to this office for processing **TOGETHER WITH THIS LETTER.**

- ☐ Papers cannot be filed without an original signature. A xerox copy of your signature or documents without a signature are not acceptable.
- ☐ These papers appear to be intended for another court or agency.
- ☐ Papers cannot be filed without proof that they have been served on your opponent(s) or their attorney(s). This office **will not** forward copies of your papers to your defendants or their counsel. Please note that a "cc" on the bottom of your papers is not sufficient proof of service. You may use your own form or the one enclosed. Please indicate the document (s) you served on your affirmation of service.
- ☐ Your complaint or petition is undergoing judicial review. Once a docket number and judge is assigned you will be notified by mail. No further papers can be accepted for filing until your case has received a docket number and a judge.
- ☒ You did not include an **In Forma Pauperis** Application or the filing fee of \$ 150.⁰⁰ (which must be paid in cash, certified check or money order made payable to the Clerk of the Court, U.S.D.C.-S.D.N.Y.) **Personal checks are not accepted.**
- ☐ Each plaintiff must sign the complaint and each plaintiff must submit a separate **In Forma Pauperis** application, to have the filing fee waived.
- ☐ Your application to waive the fees does not contain enough information for the Court to consider your request. Please fill out the enclosed **In Forma Pauperis** application. If you are presently incarcerated, be especially careful to answer question number two (2) on the form. If you have never worked you must state this as your answer to this question.

☒ Other: your papers must be titled "complaint". I have enclosed
general complaint instructions and prisoner civil rights complaint
forms for your use.

Sincerely,

J. Cortes
 PRO SE OFFICE
 (212) 805-0175

United States District Court
Southern District of New York

PRISONER AUTHORIZATION

Mailed to the plaintiff by the Court on this
date: APRIL 13, 2002

RE: MIGUEL RODRIGUEL - v - C.O., AGUIRRE & DR. BANSI

NOTICE IS HEREBY GIVEN THAT THIS ACTION WILL BE DISMISSED UNLESS PLAINTIFF COMPLETES AND RETURNS THIS AUTHORIZATION FORM TO THIS COURT WITHIN FORTY-FIVE (45) DAYS FROM THE DATE OF THIS NOTICE.

On April 26, 1996, the Prison Litigation Reform Act ("PLRA" or "Act") was signed into law. This Act amends the *in forma pauperis* statute (28 U.S.C. § 1915) and applies to your case. Under these amendments, you are required to pay the full filing fee when bringing a civil action if you are currently incarcerated or detained in any facility. If you do not have sufficient funds in your prison account at the time your action is filed, the Court must assess and collect payments until the entire filing fee of \$150 has been paid, no matter what the outcome of the action.

SIGN AND DATE THE FOLLOWING AUTHORIZATION:

I, MIGUEL RODRIGUEZ, #01-R-1447, request and authorize the agency holding me in custody to send to the Clerk of the United States District Court for the Southern District of New York, a certified copy of my prison account statement for the past six months. I further request and authorize the agency holding me in custody to calculate the amounts specified by 28 U.S.C. § 1915(b), to deduct those amounts from my prison trust fund account (or institutional equivalent), and to disburse those amounts to the United States District Court for the Southern District of New York. This authorization shall apply to any agency into whose custody I may be transferred.

I UNDERSTAND THAT BY SIGNING AND RETURNING THIS NOTICE TO THE COURT, THE ENTIRE COURT FILING FEE OF \$150 WILL BE PAID IN INSTALLMENTS BY AUTOMATIC DEDUCTIONS FROM MY PRISON TRUST FUND ACCOUNT EVEN IF MY CASE IS DISMISSED.

Miguel Rodriguez
Signature of Plaintiff

4/13/02
Date Signed

N.Y.S.I.D. # _____

Local Prison I.D. # 01R1447
Federal Bureau of Prisons I.D. # 01R1447